

Sullivan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS ALBERTSON, GRIFFIN EPSTEIN,
GABRIELLE LANG, JENNY ESQUIVEL, AND
JEFFREY MILLER,

Plaintiffs,

-against-

STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE

05 CV 7692 (RJS) (JCF)

THE CITY OF NEW YORK, a municipal entity, NEW YORK CITY POLICE DEPARTMENT, MICHAEL BLOOMBERG, Mayor of the City of New York, JOSEPH ESPOSITO, Chief of the New York City Police Department, RAYMOND KELLY, New York City Police Commissioner, JOHN J. COLGAN, Deputy Chief and Commanding Officer at the Pier #57 Detention Facility, THOMAS GRAHAM, Commanding Officer of the New York City Police Department Disorders Control Unit, BRUCE SMOLKA, Assistant Chief in the New York City Police Department and in Patrol Borough Manhattan South, and TERRENCE MONAHAN, Assistant Chief in the New York City Police Department, and the Chief of the Bronx Borough Command; NEW YORK CITY POLICE SUPERVISORS AND COMMANDERS "RICHARD ROES", NEW YORK CITY POLICE OFFICERS "JOHN DOES" and "SALLY ROES"; NEW YORK CITY POLICE OFFICER JAMES CONNOLLY, NEW YORK CITY POLICE OFFICER DENISE ROSE-HINKSMAN, NEW YORK CITY POLICE OFFICER TYREE FISHER; NEW YORK CITY POLICE DETECTIVE VICTOR LEBRON, individually and in their official capacities, jointly and severally,

Defendants.

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WHEREAS, plaintiffs Nicholas Albertson, Griffin Epstein, Gabrielle Lang, Jenny Esquivel, and Jeffrey Miller ("Plaintiffs") commenced this action in the Southern District

of New York by filing a complaint on or about August 31, 2005, alleging that defendants violated Plaintiffs' civil and common law rights (the "Complaint"); and

WHEREAS, this action is one of many related actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated for discovery before Magistrate Judge James C. Francis IV and pending before District Judge Richard J. Sullivan (the "RNC Cases"); and

WHEREAS, Defendants The City Of New York, New York City Police Department, Michael Bloomberg, Joseph Esposito, Raymond Kelly, John J. Colgan, Thomas Graham, Bruce Smolka, Terrence Monahan, New York City Police Supervisors and Commanders "Richard Roes," New York City Police Officers "John Does" and "Sally Roes," New York City Police Officer James Connolly, New York City Police Officer Denise Rose-Hinksman, New York City Police officer Tyree Fisher; and Detective Victor Lebron ("Defendants") have denied any and all liability arising out of Plaintiff's allegations; and

WHEREAS, Plaintiffs and Defendants now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The action by Plaintiffs is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.
2. The City of New York hereby agrees to pay Plaintiffs the following sums, in full satisfaction of their claims, including all claims for costs, expenses, attorney's fees and interest:

- Nicholas Albertson – Twelve Thousand Five Hundred Dollars (\$12,500.00)
- Gabrielle Lang – Fifteen Thousand Dollars (\$15,000.00)
- Griffin Epstein – Fifteen Thousand Dollars (\$15,000.00)
- Jenny Esquivel – Ten Thousand Dollars (\$10,000.00)
- Jeffrey Miller – Twelve Thousand Five Hundred Dollars (\$12,500.00)

3. In consideration for the payment of the sums listed in paragraph “2”, above, Plaintiffs agree to the dismissal, with prejudice, of all claims against all named defendants, including Defendants The City Of New York, New York City Police Department, Michael Bloomberg, Joseph Esposito, Raymond Kelly, John J. Colgan, Thomas Graham, Bruce Smolka, Terrence Monahan, New York City Police Supervisors and Commanders “Richard Roes,” New York City Police Officers “John Does” and “Sally Roes,” New York City Police Officer James Connolly, New York City Police Officer Denise Rose-Hinksman, New York City Police officer Tyree Fisher; and Detective Victor Lebron, The Hudson River Park Trust; and the New York City Health and Hospitals Corporation; from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint in this action, which were or could have been alleged by Plaintiffs, including all claims for attorney’s fees, expenses, costs and interest.

4. Plaintiffs shall each execute and deliver to defendants’ attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraphs “2-3” above and an Affidavit of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that defendants violated Plaintiffs’ rights, or the rights of any other person

or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 19, 2008

Alterman & Boop, LLP
Attorneys for Plaintiffs
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New York, New York 10013
212-226-2800

By: _____

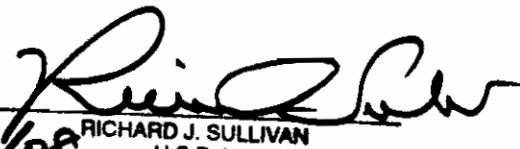
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By: _____

Gerald S. Smith
Senior Counsel

SO ORDERED
Dated: 7/1/08


RICHARD J. SULLIVAN
U.S.D.J.